

**MINUTES**

**OF THE**

**OCTOBER 2, 2019 SPECIAL BUSINESS/APPEALS MEETING**



**OF THE OKLAHOMA WORKERS' COMPENSATION COMMISSION**

## **STATEMENT OF OKLAHOMA OPEN MEETING ACT COMPLIANCE**

Notice of this Special Meeting was filed with the Secretary of State's office on Monday, September 30, 2019, at 9:17 a.m., in compliance with the Open Meeting Act.

The agenda was posted at least 48 hours in advance of the meeting, in compliance with the Open Meeting Act. It was posted on the Commission website and at 1915 N. Stiles Ave., Oklahoma City, Oklahoma, the Commission's principal office.

### **MINUTES OF THE OCTOBER 2, 2019 SPECIAL BUSINESS/APPEALS MEETING OF THE OKLAHOMA WORKERS' COMPENSATION COMMISSION**

The members of the Oklahoma Workers' Compensation Commission met at 1915 N. Stiles Ave., 3<sup>rd</sup> floor, Oklahoma City, Oklahoma, on October 2, 2019.

Members present: Chairman Mark Liotta, Commissioner Jordan Russell, and Commissioner Megan Tilly.

Others Present: Executive Director Hopper Smith, WCC; Sarah Greenwalt, WCC; and Dana Esparza, WCC.

Chairman Liotta expressed appreciation for those in attendance. After the roll was taken, he announced the presence of a quorum. The meeting was called to order at approximately 3:00 p.m.

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## *Appellate Items*

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### **1. Minutes**

The drafted minutes of the September 20, 2019 public meeting of the Commission were considered for approval.

***Motion:*** Commissioner Tilly moved to continue this agenda item.

***Second:*** Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

***The motion carried.***

### **2. Commission Consideration of Adoption of Final Order in the Following Cases:**

**A. Julio Cesar (Perez) Gomez v. Encinos 3D Custom Products LLC and/or D. Trent Holman & Assoc. Inc., and CompSource Mutual Ins. Co. (FKA CompSource Oklahoma), File #CM2017-02108L**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Bryce A. Hill represented the Claimant. Doug Thomas represented Respondent Encinos 3D. Leah P. Keele represented Respondent D. Trent Holman & Associates. Dana L. Gish represented Respondent CompSource Mutual.

This case came on for Oral Argument on May 17, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

***Motion:*** Commissioner Tilly moved to adopt the order as proposed.

***Second:*** Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

***The motion carried.***

**B. Terry W. Garrett v. MITF, File #CM2015-04717JMIF**

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Micah Felton represented the Claimant and Heather Lehman Fagan represented the Respondent.

This case came on for Oral Argument on July 19, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

***Motion:*** Commissioner Tilly moved to adopt the order as proposed.

***Second:*** Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

***The motion carried.***

**C. Vickie Elaine Franks v. Little Dixie Community Action Agency & CompSource Mutual Insurance (FKA CompSource Oklahoma) File #CM2016-05896A**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Edward Grimes represented the Claimant and John S. Oldfield Jr., represented the Respondent.

This case came on for Oral Argument on August 23, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

**Motion:** Commissioner Tilly moved to continue this item.

**Second:** Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**The motion carried.**

**D. Glenda Childers v. Amity Care LLC (Own Risk #14907) & Grace Living Center, File #CM2015-07747X**

Claimant filed an appeal from the order issued by Administrative Law Judge Lawyer. Robert A. Flynn is the attorney of record for the Claimant and Julie Thompson Weller is the attorney of record for the Respondent.

This case came on for Oral Argument on September 20, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took preliminary action to remand the Administrative Law Judges Order.

**Motion:** Commissioner Tilly moved to continue this agenda item.

**Second:** Commissioner Russell

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**The motion carried.**

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*Business Items*

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**3. Discussion and Consideration of a Policy Regarding TTD and Leave**

The Commission will consider the interplay between receiving payments for TTD and using sick leave. The Commission will discuss the applicability of 85A O.S., § 89 in making a determination as to what type of leave should be entered when an employee is receiving TTD payments.

**Motion:** Commissioner Tilly continue this agenda item.

**Second:** Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**The motion carried.**

#### **4. Discussion and Consideration of a Timeline for Public Comment on Oklahoma's Current Fee Schedule**

Under 85A O.S., § 50(H)(14)(b), the external consultant reviewing Oklahoma's Fee Schedule shall receive written and oral comment from the public. The Commission will discuss and consider an appropriate timeline by which the contracted consultant will receive such public comment.

**Motion:** Commissioner Tilly moved to set the Public Hearing date for November 7, 2019 at 10:00 a.m.

**Second:** Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**The motion carried.**

#### **5. Announcements**

The Commission's next regular business meeting is Thursday, October 17, 2019. Commission's next appeals meeting is scheduled for Friday, October 25, 2019.

#### **ADJOURNMENT**

**Motion:** Commissioner Tilly moved to adjourn the meeting at approximately 3:41 p.m.

**Second:** Commissioner Russell

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**The motion carried. The meeting adjourned.**